
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Rules of the Court of Session 1994 to set out the procedure which will apply when a person who is the subject of an order under section 1 (power of Court of Session to prohibit institution of action without leave) of the Vexatious Actions (Scotland) Act 1898 (“1898 Act”) seeks leave to institute legal proceedings. The 1898 Act was repealed with effect from 28th November 2016 by paragraph 27 of schedule 5 of the Courts Reform (Scotland) Act 2014. Article 4 of the Courts Reform (Scotland) Act 2014 (Commencement No. 7, Transitional and Saving Provisions) Order 2016 ([S.S.I 2016/291](#)) made savings as regards the 1898 Act and provides that orders made under the 1898 Act continue to have effect. The procedure set out in this Act of Sederunt will apply to persons subject to such orders. It is in similar terms to the procedure in Rule 4.2A of the Rules of the Court of Session 1994, which applies to an application for permission to institute civil proceedings by a person who is the subject of an order under section 100 (vexatious litigation orders) of the Courts Reform (Scotland) Act 2014.